

### REMARKS

Claims 1-5 remain pending in this application for which applicants seek reconsideration.

### Amendment

Editorial changes have been made to claims 1-5 to improve their form and readability. Moreover, claim 1 further has been amended to clarify that the shift control means limits the operating speed of the shift actuator “to prevent slippage of the V-belt.” No new matter has been introduced.

### Claim Objection

Claim 5 was objected to because the examiner mistakenly believes that claim 5 is a multiply dependent claim that depends from another multiply dependent claim. Since claim 5 depends only from claim 3, it is not a multiply dependent claim. It is proper to depend from a multiply dependent claim, as long as that claim (depending from a multiply dependent claim) itself is not a multiply dependent claim. See MPEP § 608.01(n), *Comments On Fee Calculation Example*, where example claim 5 is given as properly depending from example claim 4 (multiply depending from example claims 2 or 3).

### Art Rejection

Claims 1-4 were rejected under 35 U.S.C. § 102(b) as anticipated by Yamamuro (USP 4,589,071). Claim 5 was not rejected under any prior art. Applicants traverse the art rejection because Yamamuro would not have disclosed or taught at least the shift control means set forth in claim 1.

Claim 1 calls for shift control means for limiting the shift-actuator operating speed to prevent slippage of the V-belt when 1) the detected speed is less than a first predetermined speed, 2) downshift detecting means detects a downshift, and 3) idle state detecting means does not detect the idle state of the engine.

In rejecting the claims, the examiner asserts that the passages set forth in column 22, line 67 to column 23, line 64 of Yamamuro disclose the above claimed shift control means. Applicants disagree. The passages identified by the examiner disclose setting various parameters ( $T_v=0$ ,  $V_o=V_{max}$ ,  $\Delta V=A$ ,  $ND1=ND$ ,  $TN=0$ ) if the detected vehicle speed is less than a low predetermined speed  $V_A$  (10 km/h) (Fig. 28, step 2001) and the engine is not at idle based on the degree of throttle opening (Fig. 28, step 2000). Moreover, Yamamuro does not

specifically disclose detecting downshifting. But even if Yamamuro were to detect the downshift/upshift for argument's sake, Yamamuro still would not have disclosed or taught limiting the shift-actuator operating speed to prevent slippage of the V-belt, let alone limiting when all three claimed parameters are satisfied. Accordingly, applicants submit that Yamamuro would not have disclosed or taught the above-claimed features.

Conclusion

Applicants submit that claims 1-5 patentably distinguish over the applied references and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicants urge the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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10 JULY 2007

DATE

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REG. NO. 34,079 (RULE 34, WHERE APPLICABLE)

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